

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicant respectfully submits that the pending claims are not anticipated under 35 U.S.C. § 102 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicant respectfully requests that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicant will now address each of the issues raised in the outstanding Office Action. First, however, the applicant would like to thank Examiner Choudhary and Primary Examiner Bradley Edelman for courtesies extended to applicant's representative, John Pokotylo, during a telephone interview on March 10, 2005 (referred to below as "the telephone interview"). During that telephone interview, the operations of the Locklear patent, as well as differences between such operations and the invention recited in claims 1, 12 and 20, were discussed.

Rejections under 35 U.S.C. § 102

Claims 1, 12 and 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,483,870 ("the Locklear patent"). The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

In her interpretation of the Locklear patent, the Examiner contends that the server 16 makes the selection of one of at least two communications links in order to assign a selected modem and an associated twisted pair line to a session. (See Paper No. 20041118, page 3.) As can be appreciated from Figure 1 of the Locklear patent, the servers 16 are separated by twisted pairs 22 from LANs 18 and terminals 20. For example, the LAN 18 may be located at corporate or consumer premises (See, e.g.,

column 3, lines 52-54.), while the server 16 may be located at a central office, a remote terminal, or any other location that terminates twisted pair lines 22 (See, e.g., column 4, lines 11-13.). As can be appreciated from the foregoing, the LAN 18 and the server 16 are at separate premises. Claims 1, 12 and 20 have been amended to highlight the fact that the method is performed at the premises where the LAN and terminal are located. During the telephone interview, Examiner Choudhary and Primary Examiner Edelman agreed that this would more clearly distinguish the present invention over the Locklear patent.

In view of the foregoing, claims 1, 12 and 20 are not anticipated by the Locklear patent. Accordingly, this ground of rejection should be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 2-11, 13-19 and 21-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Locklear patent in view of RFC 2526: "A method for Transmitting PPP Over Ethernet" ("the Mamakos paper"). The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Since the purported teachings of the Mamakos paper do not compensate for the deficiencies of the Locklear patent with respect to independent claims 1, 12 and 20 (as discussed above), this ground of rejection should be withdrawn.

New claims

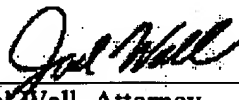
New claims 36-38 depend from claims 1, 12 and 20, respectively, and further distinguish the present invention over the cited art.

Conclusion

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicant requests that the Examiner pass this application to issue. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account 07-2347.

Respectfully submitted,

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Christian Andersen

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Signature

April 7, 2005

Date